

II. Rejection under 35 U.S.C. §102(e)

Claims 1, 2, 4, 5, 12, 14-16, 19 and 20 stand rejected under 35 U.S.C. §102(e) as being clearly anticipated by Wagner et al..

Reconsideration of the above rejection is respectfully requested for the following reason, pursuant to M.P.E.P. 706.02(b), which indicates that a rejection based on 35 U.S.C. § 102(e) can be overcome by filing an affidavit or declaration under 37 C.F.R. § 1.132 showing that the reference invention is not by "another".

Applicant respectfully submits a 37 C.F.R. § 1.132 Affidavit by Gregg Wagner and Gary Emerson in accordance with M.P.E.P. 706.02(b), showing that the Wagner et al. invention is not by "another".

Accordingly, it is believed that the rejection of claims 1, 2, 4, 5, 12, 14-16, 19 and 20 under 35 U.S. C. § 102(e), has been overcome. Reconsideration of the above rejection and withdrawal thereof, is respectfully requested.

III. Rejection under 35 U.S.C. §103(a)

1. Claims 3, 17 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wagner et al. in view of Jung et al..

Applicant respectfully asserts that the underlying Wagner et al. / Jung et al. rejection, on which claims 3, 17 and 18 are based, is respectfully overcome for the reasons stated above.

Accordingly, it is believed that the rejection of claims 3, 17 and 18 under 35 U.S.C. §103(a) under Wagner et al. in view of Jung et al., cannot properly be maintained, and reconsideration and withdrawal of this rejection is respectfully requested.

2. Claims 6-8, 10, 11 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wagner et al. in view of Keane et al..

Applicant respectfully asserts that the underlying Wagner et al. / Keane et al. rejection, on which claims 6-8, 10, 11 and 13 are based, is respectfully overcome for the reasons stated above.

Accordingly, it is believed that the rejection of claims 6-8, 10, 11 and 13 under 35 U.S.C. §103(a) under Wagner et al. in view of Keane et al., cannot properly be maintained, and reconsideration and withdrawal of this rejection is respectfully requested.

3. Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Wagner et al. in view of Keane et al., as applied to claims 6-8, 10, 11 and 13, and further in view of Jung et al..

Applicant respectfully asserts that the underlying Wagner et al. / Keane et al. / Jung et al. rejection, on which claim 9 is based, is respectfully overcome for the reasons stated above.

Accordingly, it is believed that the rejection of claim 9 under 35 U.S.C. §103(a) under Wagner et al. in view of Keane et al., as applied to claims 6-8, 10, 11 and 13, and further in view of Jung et al., cannot properly be maintained, and reconsideration and withdrawal of this rejection is respectfully requested.

Reconsideration of the above rejection of claims 1-20 is respectfully requested because it does not cure the deficiencies as mentioned above, and because the cited references do not show or suggest the claimed features/steps of Applicant's invention. In addition, Applicant respectfully submits that independent claims 1, 7 and 12 are patentably distinguishable over the prior art cited by the Examiner because in part the

present invention provides benefits which are not provided for by these prior art references.

IV. Conclusion & Request for Interview

For the reasons advanced above, Applicant respectfully submits that the rejections have been overcome and should be withdrawn. Applicant respectfully asserts that the pending set of claims recite patentable subject matter, is in proper form, and in condition for allowance.

Moreover, the Applicant requests a personal interview with the Examiner to clarify any issues that may arise, and further invites the Examiner to call the undersigned to resolve such issues.

Favorable reconsideration of the issues discussed above is respectfully requested.

V. Authorization

While no fees are believed to be necessary for the filing of this Amendment, the fee for the filing of the Affidavit pursuant to 37 C.F.R. §1.132 is enclosed.

Respectfully submitted,



John R. Posthumus  
Registration No. 36,245  
633 Seventeenth Street, Suite 2000  
Denver, CO 80202  
Tel: 303.291.2612  
Fax: 303.297.0422

Date: July 15, 2002